

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KATHLEEN CROTTS,

Plaintiff,

v.

Case No. 8:21-cv-1547-KKM-AAS

SOUTHERN-OWNERS INSURANCE
COMPANY,

Defendant.

_____ /

ORDER

Plaintiff Kathleen Crotts moves to remand this action to state court. (Doc. 8). She argues that Southern Owners failed to establish that the amount in controversy exceeds \$75,000. *See* (Doc. 8).¹ Her arguments fail.

Crotts claims uninsured, underinsured motorist benefits and alleges that she “performed all conditions precedent to entitle recovery under the [insurance policy with Southern Owners], but . . . Southern Owners denied that coverage exists and/or refused to pay [Crotts] the full value of the claim.” (Doc. 1-8 at ¶ 11). Attached to the complaint is a copy of Crotts’s insurance policy with Southern Owners which states that her bodily injury coverage limit is “\$250,000 person/\$500,000 occurrence.” (*Id.* at 5). These facts at least make it possible that Crotts seeks a minimum of \$75,000. *See Williams v. Best Buy*

¹ The parties do not dispute that diversity exists between them. *See* (Doc. 8). The Court is also satisfied that diversity exists. *See* (Doc. 1 at 4).

Co., Inc., 269 F.3d 1316, 1319 (11th Cir. 2001).

Southern Owners demonstrates by a preponderance of the evidence though that, not only is it possible that the lawsuit exceeds the amount in controversy, it is exactly what Crotts is seeking. Southern Owners attaches a demand letter from Crotts for the full \$250,000 policy limits (Doc. 1-5 at 1); a statement in that demand letter that her future pain and suffering will cost \$1,827,920 (*Id.* at 4); and a civil remedy notice stating that Crotts's damages "far exceed the underlying . . . underinsured motorist limits of \$250,000." (Doc. 1-6 at 5); *see also Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1097 (11th Cir. 1994) ("While [a] settlement offer, by itself, may not be determinative, it counts for something."). As a result, Southern Owners established that the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1332(a).

Crotts's motion for remand (Doc. 8) is **DENIED**.

ORDERED in Tampa, Florida, on August 5, 2021.


Kathryn Kimball Mizelle
United States District Judge